



Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Telephone
(617)-796-1120

TDD/TTY
(617) 796-1089

Fax
(617) 796-1142

| | |
|--------------------------------|------------------|
| Public Hearing Date: | February 9, 2010 |
| Land Use Action Date: | April 20, 2010 |
| Board of Aldermen Action Date: | May 3, 2010 |
| 90-Day Expiration Date: | May 10, 2010 |

DATE: February 5, 2010

TO: Board of Aldermen

FROM: Candace Havens, Acting Director of Planning and Development
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: #17-10 MICHAEL E. PRATT & TRUDY L. GOOD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to add a two-story addition to the rear of an existing single-family residence, increasing the Floor Area Ratio, and to demolish an existing garage and construct a carport on the south side of the lot at 51 HILLSIDE AVENUE, Ward 3, WEST NEWTON, on land known as Sec 32, Blk 3, Lot 5, containing approx 7,160 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b) and 3-21(b) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioners are proposing to add a modest two-story addition to the rear of their residence at 51 Hillside Avenue, increasing the size of the house from 2,355 square feet to 2,810 square feet. The existing residence is located on a 7,160 sq. ft. lot and is currently nonconforming with respect to Floor Area Ratio (FAR). The proposal will increase the FAR nonconformity, but will not affect any other dimensional measures. The 2007 *Newton Comprehensive Plan* encourages preservation of existing residential neighborhoods, and the Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This petition addresses those needs by modifying an existing single-family home with the addition of a two-story addition in the rear, while keeping in scale with the other houses in the immediate neighborhood.



View of existing house at 51 Hillside Avenue

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the increase in FAR is consistent with and not in derogation of the size, scale and design of other structures in the immediate neighborhood and whether it is not more detrimental than the existing nonconforming structure.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located in West Newton, one block north of the Mass Pike. It is located within a Single Residence 2 District and is near to several multi-residences zones (*SEE ATTACHMENTS "A" AND "B"*). The neighborhood is primarily characterized by single-family detached residences, but includes several two-family residences and one multi-family building. This neighborhood was originally subdivided for development of single-family homes in the late nineteenth century in Victorian styles; a second wave of building occurred in the 1920s and 1930s with most building in the Colonial Revival style. With two exceptions, the lots in the vicinity of this property are between 6,000 and 16,000 sq. ft. The lot size of 51 Hillside Avenue is at the lower end of this range. The floor area ratios of the houses in the neighborhood range between 0.145 and 0.399 (*SEE ATTACHMENT "C"*).

While most of the properties in the neighborhood contain single-family homes, the rear abutter to this site is the former Peirce School which now contains subsidized housing. Located at 88 Chestnut Street, this 74,000-square-foot property contains a large three-story brick building and is significantly larger than the other neighboring properties.

B. Site

The 7,160 sq. ft. site currently contains one single-family home. The site slopes downwards along Hillside Avenue towards Austin Street.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No change of use is proposed.

B. Building and Site Design

The existing house is a two-story Tudor Revival house with clapboard siding. The

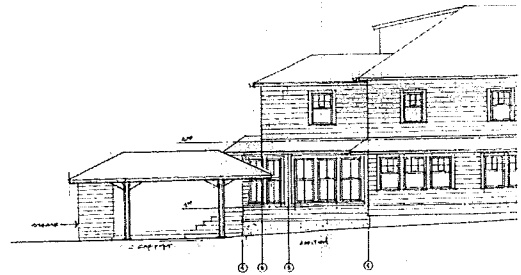
petitioners propose to add a two-story addition to the rear of the house that will increase the floor area of the house from 2,355 square feet to 2,810 square feet, from 0.31 to 0.39 FAR, which is at the high end of the range of floor area ratios for houses in the immediate neighborhood. The addition is designed to be in scale with the residence and with the other structures in the neighborhood. The proposed rear addition and

detached carport both use hipped-roofs so that they mesh stylistically with the existing house and its hipped-roof. Because the

addition is in the rear, it will not be visible from the public street and will have a minimal impact on the neighboring residences.



Proposed elevations: rear (above) and left side



C. Landscape Screening and Lighting

The petitioners have not proposed any additional landscape screening as part of the project. Due to the modest scale of this project, additional landscaping should not be necessary.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* encourages preservation of existing neighborhoods. The Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This renovation will help ensure that the house will be usable for current and future residents.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated January 11, 2010 (*SEE ATTACHMENT "D"*), provides an analysis of the proposal with regard to Section 30-15 Table 3. A special permit is required for an addition to an existing structure that is nonconforming with regard to FAR. The

“temporary” additional FAR relief, provided by the August 10, 2009, amendment to the City’s Zoning Ordinance (*Ordinance No.Z-51*), is not sufficient to allow this project as of right.

B. Other Reviews

1. Engineering. The Associate City Engineer has reviewed plans and has determined that drainage improvements are not necessary because the project will result in a decrease in impervious surface area (*SEE ATTACHMENT “E”*).
2. Fire Department. Fire accessibility review is not required for an addition to a single-family home.

VI. ZONING RELIEFS SOUGHT

Based on the completed zoning review, dated January 11, 2010 (*SEE ATTACHMENT “D”*), the petitioner is seeking approval through or relief from:

- Section 30-15(u)(4), to construct an addition to an existing house that exceeds the allowable FAR
- Section 30-21(b), to increase the nonconformity of structure that currently exceeds FAR
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permit

VII. Summary of Petitioner’s Responsibilities

This petition is currently complete.

ATTACHMENTS

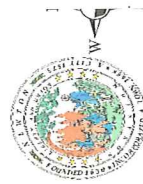
| | |
|----------------------|---|
| ATTACHMENT A: | <i>Zoning Map</i> |
| ATTACHMENT B: | <i>Land Use Map</i> |
| ATTACHMENT C: | <i>Neighborhood Density Analysis</i> |
| ATTACHMENT D: | <i>Zoning Review Memorandum, dated January 11, 2010</i> |
| ATTACHMENT E: | <i>Engineering Memorandum, dated January 11, 2010</i> |

Zoning Map

51 Hillside Ave.
and Vicinity

City of Newton,
Massachusetts

| Legend | |
|--------|-----------------------|
| | Building Outlines |
| | Single Res. 1 |
| | Single Res. 2 |
| | Single Res. 3 |
| | Business 1 |
| | Business 2 |
| | Business 4 |
| | Business 5 |
| | Limited Manufacturing |
| | Manufacturing |
| | Multi-Res. 1 |
| | Multi-Res. 2 |
| | Multi-Res. 3 |
| | Multi-Res. 4 |
| | Mixed Use 1 |
| | Mixed Use 2 |
| | OS/Rec. |
| | Public Use |
| | Surface Water |



The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their own purposes. City department approvals are required for any use of this information.

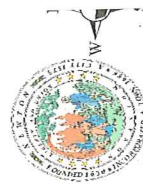
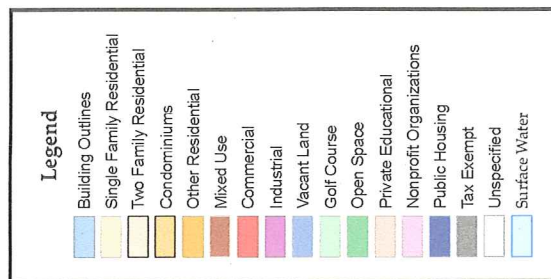


MAP DATE: Jan



City of Newton,
Massachusetts

MASS. PIKE



The information on this map is provided for informational purposes only. The City of Newton Geographic Information System (GIS) is a public resource. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their intended purpose. City departments use the information to approve applications based on the information provided.

MAP DATE: Jan




Neighborhood Comparison Chart (Prepared by Planning Department)
51 Hillside Avenue and Vicinity

| # | Street | Approx. Yr. Built | Zoning | Lot Size | # Units | Lot Area Per Unit | Building Sq. Ft. | Building Sq. Ft. Per Unit | Approx. FAR | Material | Style |
|---------|--------------------------------|----------------------|--------|----------|---------|----------------------|---------------------|---------------------------------|----------------|--------------|------------------|
| 88 | CHESTNUT ST | 1895 | MR3 | 70,473 | 34 | 2,073 | unknown | unknown | unknown | Brick | Colonial Revival |
| 365 | AUSTIN ST | 1890 | MR2 | 6,672 | 1 | 6,672 | 2,206 | 2,206 | 0.331 | Vinyl siding | Victorian |
| 370 | AUSTIN ST | 1900 | SR2 | 10,401 | 2 | 5,201 | 2,671 | 1,336 | 0.257 | Clapboard | Victorian |
| 371 | AUSTIN ST | 1850 | MR2 | 11,300 | 1 | 11,300 | 2,512 | 2,512 | 0.222 | Clapboard | Colonial |
| 357-361 | AUSTIN ST | 1900 | MR2 | 6,293 | 2 | 3,147 | 912 | 456 | 0.145 | Wood shingle | Victorian |
| 39 | HILLSIDE AVE | 1889 | SR2 | 11,960 | 2 | 5,980 | 4,539 | 2,270 | 0.38 | Wood shingle | Victorian |
| 45 | HILLSIDE AVE | 1932 | SR2 | 7,075 | 1 | 7,075 | 2,160 | 2,160 | 0.305 | Wood shingle | Colonial |
| 46 | HILLSIDE AVE | 1858 | SR2 | 26,430 | 1 | 26,430 | 4,592 | 4,592 | 0.174 | Wood shingle | Victorian |
| 51 | HILLSIDE AVE | 1930 | SR2 | 7,152 | 1 | 7,152 | 2,224 | 2,224 | 0.311 | Clapboard | Tudor Revival |
| 52 | HILLSIDE AVE | 1860 | SR2 | 10,340 | 1 | 10,340 | 3,130 | 3,130 | 0.303 | Vinyl siding | Victorian |
| 55 | HILLSIDE AVE | 1880 | SR2 | 11,008 | 1 | 11,008 | 4,027 | 4,027 | 0.366 | Wood shingle | Victorian |
| 64 | HILLSIDE AVE | 2005 | SR2 | 16,151 | 1 | 16,151 | 6,139 | 6,139 | 0.38 | Wood shingle | Victorian |
| 65 | HILLSIDE AVE | 1989 | SR2 | 11,434 | 1 | 11,434 | 3,803 | 3,803 | 0.333 | Clapboard | Colonial |
| 69 | HILLSIDE AVE | 1880 | SR2 | 10,212 | 1 | 10,212 | 3,853 | 3,853 | 0.377 | Wood shingle | Victorian |
| 74 | HILLSIDE AVE | 1930 | SR2 | 8,750 | 1 | 8,750 | 3,038 | 3,038 | 0.347 | Clapboard | Colonial |
| 79 | HILLSIDE AVE | 1885 | SR2 | 11,461 | 1 | 11,461 | 4,574 | 4,574 | 0.399 | Wood shingle | Victorian |
| 80 | HILLSIDE AVE | 1934 | SR2 | 7,032 | 1 | 7,032 | 2,038 | 2,038 | 0.29 | Clapboard | Colonial |
| 284 | MT VERNON ST | 1930 | SR2 | 7,380 | 1 | 7,380 | 2,850 | 2,850 | 0.386 | Brick veneer | Tudor |
| 285 | MT VERNON ST | 1936 | SR2 | 10,454 | 1 | 10,454 | 2,232 | 2,232 | 0.214 | Vinyl siding | Colonial |
| 292 | MT VERNON ST | 1935 | SR2 | 7,150 | 1 | 7,150 | 1,948 | 1,948 | 0.272 | Wood shingle | Colonial |
| 293 | MT VERNON ST | 1940 | SR2 | 8,530 | 1 | 8,530 | 2,383 | 2,383 | 0.279 | Wood shingle | Cape Cod |
| 302 | MT VERNON ST | 1880 | SR2 | 15,046 | 1 | 15,046 | 4,723 | 4,723 | 0.314 | Clapboard | Victorian |
| 12 | WESTFIELD RD | 1922 | SR2 | 8,084 | 1 | 8,084 | 2,286 | 2,286 | 0.283 | Wood shingle | Colonial |
| 18 | WESTFIELD RD | 1936 | SR2 | 15,322 | 1 | 15,322 | 2,394 | 2,394 | 0.156 | Wood shingle | Colonial |
| 24 | WESTFIELD RD | 1930 | SR2 | 10,815 | 1 | 10,815 | 3,256 | 3,256 | 0.301 | Wood shingle | Colonial |
| | Average | 1913 | | 10,686 | 1 | 10,089 | 3,104 | 2,935 | 0.297 | | |
| | (Averages exclude 88 Chestnut) | | | | | | | | | | |
| | 51 Hillside Proposed | | | 7,152 | 1 | 7,152 | 2,810 | 2,810 | 0.39 | | |

Zoning Review Memorandum

Dt: January 11, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner, acting Director of Planning and Development 

Cc: Peter Sachs, architect for Trudy Good and Michael Pratt
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

Applicant: Trudy Good and Michael Pratt

| | |
|---|--|
| Site: 51 Hillside Avenue | SBL: Section 32, Block 3, Lot 5 |
| Zoning: SR-2 | Lot Area: 7,160 square feet |
| Current use: Single-family residence | Proposed use: Single-family residence |

Background:

The subject property consists of a 7,160 square foot lot currently improved with a single-family residence. The applicants are proposing to build a small two-story addition. The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #51 Hillside Avenue, dated November 27, 2009, signed and stamped by Joseph R. Porter, Professional Land Surveyor
- Architectural Plans for "Pratt/Good Residence, 51 Hillside Avenue, West Newton, MA," as follows all signed and stamped by Peter Sachs, Registered Architect and dated November 31, 2009 (although November only has 30 days)
 - "A1, Scheme B Basement"
 - "A2, Scheme B 1st Floor"
 - "A3, Scheme B 2nd Floor"
 - "A4"
 - "A5"
 - "A6"
 - "A1, Existing Basement"
 - "A2, Existing"
 - "A3, Existing"
 - "A5, Existing Side"
 - "A6, Existing Rear Elevation"

Administrative determinations:

1. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to add a two story addition onto the back of the house, demolish the existing garage and build a car port on the south side of the lot.

| SR-2 Zone | Required/Allowed | Existing | Proposed |
|-------------------|------------------|---|-----------|
| Lot size | 10,000 sq. ft. | 7,160 sq. ft. | No change |
| Frontage | 80 feet | 70 ft. | No change |
| Setbacks | | | |
| • Front | 25 feet | 24.6 feet | No change |
| • Side | 7.5 feet | 7.6 feet | No change |
| • Rear | 15 feet | 37.2 feet | 41.3 feet |
| FAR | .3 | .33 | .39 |
| Building Height | 30 feet | 26.39 feet | No change |
| Maximum Stories | 2.5 | Information not provided by the applicant | No change |
| Max. Lot Coverage | 30% | 24.1% | 27.9% |
| Min. Open Space | 50% | 59.7% | 60.8% |

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).
3. See "Zoning Relief Summary" below:

| <i>Zoning Relief Summary</i> | | |
|-------------------------------------|--|-------------------------------|
| <i>Ordinance</i> | <i>Site</i> | <i>Action Required</i> |
| §30-21(a)(2)(b), 30-21(b) | Increase nonconformity with respect to FAR | SP per §30-24 |

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 51 Hillside Avenue

Date: January 22, 2010

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Acting Director of Planning (via email)
Linda Finucane, Associate City Clerk (via email)
Benjamin Solomon Schwartz (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan Showing Proposed Conditions at
51 Hillside Avenue
Newton, MA
Prepared by: VTP Associates
Dated: November 27, 2009*

Executive Summary:

The proposed project has a net decrease of impervious surfaces therefore no on-site drainage improvements are required. During demolition of the existing garage and excavation for the proposed addition onto the dwelling, the contractor should install siltation control for the spoils excavated for the foundation.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property including foundation excavations.

2. The applicant will have to apply for Sidewalk Crossing permit with the Department of Public Works prior to any construction.
3. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
4. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading.
5. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work..

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.